

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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ELECTRONICALLY FILED
DOC #: _____
DATE FILED: <u>4/4/2022</u>

ALBERTO GONZALEZ,

Plaintiff,

-against-

JEAN ATELIER LLC

Defendant.

1:20-cv-01022-MKV

ORDER

MARY KAY VYSKOCIL, United States District Judge:

Plaintiff initiated this action by filing a complaint on February 5, 2020. [ECF No. 1]. An affidavit of service of summons and complaint was filed on the docket on December 8, 2020. [ECF No. 6]. A certificate of default was issued the next day on December 9, 2020 [ECF No. 9]. Thereafter Plaintiff took no action to prosecute the case, and the Court dismissed the action without prejudice subject to restoration to the Court's calendar. [ECF No. 10]. Plaintiff then timely sought to reopen the case [ECF No. 12], which the Court granted [ECF No. 13].

Plaintiff thereafter moved for default judgment [ECF No. 22]. On January 18, 2022, the Court denied the motion without prejudice because it was unable to determine whether the Plaintiff owns the copyright at-issue in the Complaint. [ECF No. 29] (the "January 18 Order"). Since the Court's January 18 Order, Plaintiff has taken no action and has not prosecuted this case.

Accordingly, IT IS HEREBY ORDERED that any motion for entry of a default judgment shall be filed by April 18, 2022. Plaintiff is directed to follow the procedures applicable to default judgments under the Court's Individual Rules and Practices for Civil Cases, available at the Court's website. Failure to move for a default judgment by April 18, 2022 may result in

dismissal of this action for failure to prosecute, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. *See LeSane v. Hall's Sec. Analyst, Inc.*, 239 F.3d 206, 209 (2d Cir. 2001).

SO ORDERED.

Date: April 4, 2022
New York, NY


MARY KAY VYSKOCIL
United States District Judge